

04-109

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AMEREX GROUP, INC. and  
AMEREX USA INC,

Plaintiffs,

- against -

LEXINGTON INSURANCE COMPANY AND  
WESTCHESTER SURPLUS LINES  
INSURANCE COMPANY,

Defendants.

CASE NUMBER:  
07 CV 3259 (HB)

**PLAINTIFFS' CROSS-MOTION  
TO DISMISS DEFENDANTS'  
SECOND AFFIRMATIVE  
DEFENSE**

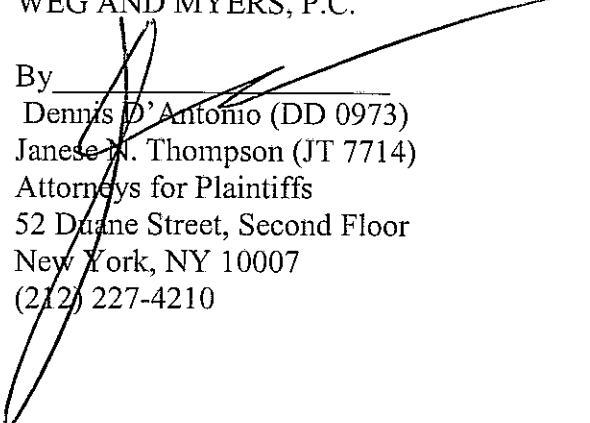
PLEASE TAKE NOTICE that upon the annexed Brief in Support of Plaintiffs' Cross-Motion to Strike Defendants' Second Affirmative Defense seeking to compel appraisal and in Opposition to Defendants Motion to Compel Appraisal, Local Civil Rule 56.1 Statement of Material Facts, Response Defendants' Local Civil Rule Statement of Material Facts, Declaration of Janese N. Thompson, Esq., the exhibits annexed thereto, and the pleadings heretofore had herein, defendants will move this Court at the U.S. Courthouse, 500 Pearl Street, New York, New York on the 10<sup>th</sup> day of August, 2007, and at such time thereafter as the Court may grant oral argument, for an order: granting Plaintiffs Cross-Motion for partial summary judgment, pursuant to Fed. R. Civ. P. 56(b), striking Defendants' Second Affirmative Defense and denying Defendants Motion seeking partial summary judgment compelling appraisal.

PLEASE TAKE FURTHER NOTICE, that opposition to the Cross-Motion is due, pursuant to agreement between the parties, by August 3, 2007.

PLEASE TAKE FURTHER NOTICE, that Plaintiffs' reply to Defendants opposition to the Cross-Motion is due, pursuant to agreement between the parties, by August 10, 2007.

Dated: New York, New York  
July 27, 2007

WEG AND MYERS, P.C.

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Docket No. 07 CV 3259 (HB)

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PLAINTIFFS' CROSS-MOTION TO  
DISMISS DEFENDANTS' SECOND  
AFFIRMATIVE DEFENSE

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